REMARKS

Claims 1-24 were pending in this application, with Claims 1, 23 and 24 being independent. Claims 3, 5, 6, 10-12, 15-20, 23 and 24 have been amended. Claims 1, 2 and 4 have been canceled without prejudice or disclaimer. No new matter has been added.

ARGUMENTS

Claims 23 and 24 have been amended to recite that "...the thickness of the inner pouch 5 will be less than the thickness of the outer casing 2...." Support for this amendment may be found in the specification at, for example, ¶0078.

Claims 1-4, 6-8, 11, 16-17, 19, 21 and 23-24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 4,739,758 (Lai).

As now recited in Claims 23 and 24, the thickness of the inner pouch is less than the thickness of the outer casing. Lai discloses (at col. 3, l. 42 to 46) "...the inflated balloon 10 is composed of two layers of material; the outer layer 21 being a thin (usually less than 0.001") film of silicone rubber and the inner layer 22 being a thicker film (about 0.005") of more durable low gas permeable EVA...". In contrast, the present application provides that "...the thickness of the inner pouch 5 will be less than the thickness of the outer casing 2...." Lai has the outer layer being thinner than the inner layer, whereas the presently claimed invention has the outer layer being thicker than the inner layer. The presently claimed invention is the opposite of the teaching of Lai; thus, Applicant respectfully submits that current Claims 23 and 24 are not anticipated by Lai.

Regarding the rejections under §103, Lai is considered as the most relevant art. The presently claimed invention provides better mechanical protection of the inner pouch, limiting the risks of deterioration and/or perforation and limiting the space occupied by the balloon when it is in its reduced-volume configuration. These effects are described in the present application at ¶0078 and ¶0079. The technical problem linked to these effects should be to obtain an intragastric balloon mechanically strong, durable and protected from external stresses and having the smallest volume possible in reduced-volume configuration.

To solve this technical problem, Lai teaches that the thickness of the outer casing should be less than the thickness of the inner pouch, as shown col. 3, l. 42-46: "...the inflated balloon 10 is composed of two layers of material; the outer layer 21 being a thin (usually less than 0.001") film of silicone rubber and the inner layer 22 being a thicker film (about 0.005") of more durable low gas permeable EVA...". It is the exact opposite of the solution suggested by the Applicant, namely, "... the thickness of the inner pouch 5 will be less than the thickness of the outer casing 2..." (¶0078).

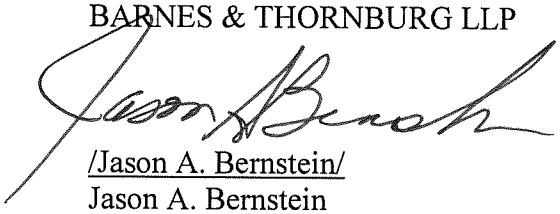
None of the cited art either alone or in combination suggests the solution provided by the Applicant to solve the technical problem, so it would have been nonobvious to one of the ordinary skill in the art at the time the invention was made to provide an intragastric balloon with two separate layers and where the thickness of the inner pouch is less than the thickness of the outer casing.

For the above reasons, Applicant submits that the presently claimed invention is patentable over the cited art.

CONCLUSION

Applicant submits that the present application is in condition for allowance and respectfully requests such action. If the Examiner has any questions that can be answered by telephone, please contact the undersigned attorney of record at the telephone number listed below.

Respectfully submitted,
BARNES & THORNBURG LLP



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